

## Volunteer Policies

**Title: Volunteer**

**Reports to: Library Manager and/or Board of Trustees**

### JOB SUMMARY

A Volunteer of the Olive G. Pettis Library (hereinafter known as “the Library”) is a person who freely offers to take part in the tasks of the Library and/or undertake any ongoing library activities and is supervised by the Library Manager and/or the Board of Trustees (hereinafter known as “the Trustees”). A volunteer is considered a person of 14 years of age or older (US DOL Child Labor Bulletin 101 WH-1330).

### Youth Volunteers

#### I. General

1. To comply with both state and federal laws, each volunteer will have a Youth Volunteer Folder with the following completed forms on file, to be updated on a regular basis:
  - A copy of a Youth Employment Certificate for any volunteer from 14 to under the age of 18 (except for youth performing community service through a court order). This form must be obtained within 3 business days of the first day of employment, from the Superintendent of Schools/Guidance Department/Principal’s Office in the city or town where they attend school.
  - Proof of age (photocopy of birth certificate; driver’s license if 16 or 17) that shows the volunteer is 14 years old or older.
  - A Parental Permission form (Volunteer Service Agreement).
2. The Volunteer Service Agreement signed by the youth, the parent(s), and the library director on file at the Library specifies the volunteer duties and states that no monetary payment for the completion of those duties is expected. (See attached Volunteer Service Agreement).
3. If the Friends of The Library group utilizes youth volunteers to do projects on library property, their compliance with state and federal labor laws shall be verified by the Library.
4. Youth volunteers have specific hours/days that they can work/volunteer per Federal and State Child Labor Laws. To comply, minors may not be employed:
  - a. During school hours.
  - b. Before 7 AM or after 7 PM, except from June 1 through Labor Day, when evening hours are extended to 9 PM.
  - c. More than three hours per day, on school days.
  - d. More than eight hours per day, on non-school days.
  - e. More than 6 consecutive days, nor more than 18 hours per week, in school weeks.
  - f. More than 6 consecutive days, nor more than 40 hours per week, in non-school weeks.

#### II. Summer Camp

Camp counselors are required to fill out the Camp Counselor Application Form. Upon completion of application process the Youth Volunteer Folder will need to be completed.

## **Adult Volunteers**

### **I. General**

1. It is noticeably clear in both state (NH RSA 275.42-I; NH RSA 279:1X; and NH LAB 803.05 Exemption) and federal law (29 CFR 553.100-.106) that a volunteer cannot take the place of a paid worker who is already employed by the library. For example, a Town's Board of Selectmen would not be able to replace a paid library employee with a volunteer simply because they wanted to save money in a tight budget year.
2. Volunteer work should be informal, meaning if the volunteer did not show up, the library's regular operations would not be adversely affected. According to the US Department of Labor, if a volunteer is being told to be at the library to work on a specific day at a specific time for a designated amount of time, the volunteer is now defined as an employee by the US DOL. If volunteers are being told to open the library on a specific day at a designated time and to keep the library open for a set period, those individuals are not considered volunteers by the US DOL.
3. The Library Manager shall conduct an annual review of the duties the library volunteers perform.

### **II. Library Trustees**

1. According to NH RSA 202-A:11, elected library trustees have certain responsibilities, including the appointment of a Library Manager (who is not a trustee) to oversee the day-to-day operation of the library. Elected library trustees have volunteered to hold their trustee positions and have fiscal and legal responsibility for the library. According to NH RSA 202-A:14, library trustees cannot be compensated for their trustee duties except for necessary travel expenses related to professional meeting attendance.
2. If a trustee wants to volunteer in the library in a capacity other than being a trustee, the volunteer duties shall be clearly spelled out in the Trustee Volunteer Agreement to show that the volunteer duties are not related to the individual's duties as trustee.
  - a. This agreement shall also be reviewed by the Trustees so that the entire governing body is aware of the scope of the volunteer work and potential conflict of interest concerns.
  - b. Substitute Library Manager: A Trustee must sign and agree to the Substitute for the Library Manager Job Description and Contract, excluding the Compensation section. This agreement shall also be reviewed by the Trustees so that the entire governing body is aware of the scope of the volunteer work and potential conflict of interest concerns.
  - c. The Trustees shall review all Trustee Volunteer Agreements annually.

### **III. Library Employees**

Federal law 29 CFR 553.101 states: "An individual shall not be considered a volunteer if the individual is otherwise employed by the same public agency to perform the same type of services as those for which the individual proposes to volunteer."

### **IV. Compensation**

1. Federal law 29 CFR 553.106 states volunteers may be paid expenses or nominal fees for their service without losing their status as volunteers. Appropriate expenses include transportation and meals reimbursement, tuition reimbursement, etc.
2. NH RSA 202-A:14 specifies that library trustees cannot be paid for performing their trustee duties but may be reimbursed for travel expenses related to professional meeting attendance.

## Volunteer and Liability

### **NH RSA Chapter 508:17 Volunteers; Nonprofit Organizations; Liability Limited. –**

- I. Any person who is a volunteer of a nonprofit organization or government entity shall be immune from civil liability in any action brought based on any act or omission resulting in damage or injury to any person if:
  - (a) The nonprofit organization or government entity has a record indicating that the person claiming to be a volunteer is a volunteer for such organization or entity; and
  - (b) The volunteer was acting in good faith and within the scope of his official functions and duties with the organization; and
  - (c) The damage or injury was not caused by willful, wanton, or grossly negligent misconduct by the volunteer.
- II. Liability of a nonprofit organization for damage or injury sustained by any one person in actions brought against the organization alleging negligence on the part of an organization volunteer is limited to \$250,000. Such limit applies in the aggregate to all actions to recover for damage or injury sustained by one person in a single incident or occurrence. Liability of a nonprofit organization for damage or injury sustained by any number of persons in a single incident or occurrence involving negligence on the part of an organization volunteer is limited to \$1,000,000.
- III. Nothing in this section shall be construed to affect any civil action brought by any nonprofit organization against any volunteer of such organization.
- IV. Volunteer activity related to transportation or to care of the organization's premises shall be excepted from the provisions of paragraph I of this section.
- V. In this section:
  - (a) "Damage or injury" includes physical, nonphysical, economic and noneconomic damage and property damage.
  - (b) "Nonprofit organization" shall include, but not be limited to, a not for profit organization, corporation, community chest, fund or foundation organized and operated exclusively for religious, cultural, charitable, scientific, recreational, literary, agricultural, or educational purposes, or to foster amateur competition in a sport formally recognized by the National Collegiate Athletic Association, and an organization exempt from taxation under section 501(c) of the Internal Revenue Code of 1986 organized or incorporated in this state or having a principal place of business in this state.
  - (c) "Volunteer" means an individual performing services for a nonprofit organization or government entity who does not receive compensation, other than reimbursement for expenses actually incurred for such services. In the case of volunteer athletic coaches or sports officials, such volunteers shall possess proper certification or validation of competence in the rules, procedures, practices, and programs of the athletic activity.

**Source.** 1988, 280:1. 1990, 116:1-3. 1998, 255:1, 2, eff. Jan. 1, 1999.

## V. Patron Privacy

Volunteers shall not have access to patron records, including personal identifying information or circulation records.